

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CHSPSC, LLC,)
)
Plaintiff,)
)
v.) Case No. 3:18-CV-01349
)
STEWARD HEALTH CARE SYSTEM) JUDGE RICHARDSON
LLC)
)
Defendant.) MAGISTRATE JUDGE BROWN
)

DEFENDANT'S UNOPPOSED MOTION TO WITHDRAW NOTICE OF REMOVAL

Defendant Steward Health Care System LLC ("Steward"), by and through undersigned counsel, hereby moves to withdraw its Notice of Removal in this action and respectfully requests that the Court remand this action to state court. In support thereof, Defendant states as follows:

1. This civil action was originally commenced in the Chancery Court for Williamson County, Tennessee on November 2, 2018, the case being styled *CHSPSC, LLC v. Steward Health Care System LLC*, Case No. 47820. *See* Compl. (ECF No. 1 at Exhibit A).
2. Steward was served on November 6, 2018 and timely removed this action on December 6, 2018. *See* Notice of Removal (ECF No. 1).
3. Removal was premised on diversity grounds and made in good faith based on information available to Steward at the time. *Id.*; *see also* 28 U.S.C. § 1332(a). However, recently information has come to Steward's attention that was not available to Steward prior to the removal deadline, namely that a sub-member of Steward, which itself has multiple members and sub-members, and thus multiple citizenships, is a citizen of both Delaware and Tennessee (forums where Plaintiff is deemed a citizen for diversity purposes). This development destroys

federal jurisdiction. *See Delay v. Rosenthal Collins Group, LLC*, 585 F. 3d 1003, 1005 (6th Cir. 2009) (“Indeed, if even one of [Steward’s] members - or one member of a member – were a citizen of [Delaware or Tennessee], then complete diversity, and with it federal jurisdiction, would be destroyed.”).

4. There are no motions pending and Defendant has not yet filed an answer or responsive pleading.

5. Counsel have conferred with respect to the instant motion. Plaintiff has no opposition. As such, Defendant Steward Health Care System LLC respectfully requests that it be allowed to withdraw its Notice of Removal and that this matter be remanded to the Chancery Court for Williamson County, Tennessee.

WHEREFORE, for these reasons, Defendant Steward Health Care System LLC respectfully requests that the Court:

- (1) Grant the Plaintiff’s Motion to Withdraw Notice of Removal; and
- (2) Remand this case to the Chancery Court for Williamson County, Tennessee.

Respectfully submitted,

/s/W. Scott Sims
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Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing was sent via the Court's CM/ECF system, to John R. Jacobson, RILEY WARNOCK & JACOBSON, PLC, 1906 West End Ave., Nashville, TN 37203, on this 16th day of January, 2019.

/s/W. Scott Sims